

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
MAR 22 2007
[Signature]

RANDALL J. HINDS,

Plaintiff,

-vs-

CENDANT, INC.,

Defendant.

*
*
*
*
*
*
*
*
*
*

CIV 06-1001

ORDER AND OPINION

The defendant has filed and served a motion for summary judgment (Doc. 33). The motion is accompanied by a large number of pages of material. The supporting memorandum of law consists of 22 pages. Attached to that is the second affidavit of Bryan N. Smith, one of the attorneys for defendant, and attached to the affidavit we find exhibits AA, BB, and CC. The exhibits consist of copies of cases. In short, the affidavit and attachments constitute an attempt to add to the memorandum of law by avoiding the page limitations contained in D.S.D.LR 7.2(B). This will not be permitted. The exhibits are certainly not documentary evidence. Counsel for defendant have violated the local rule by submitting an over-length brief without court authorization.

Many of the copies attached to the affidavit of Kelly Comstock are not legible. I do not intend to obtain a magnifying glass to read what is submitted. It appears that something had been spilled on some of the documents, making them impossible to read. Counsel should not be submitting or filing documents that cannot be read. Counsel should carefully check what is being submitted before submitting it to the court.

Attached to another affidavit of Mr. Smith are numerous pages, including portions of the transcript of the deposition of plaintiff. Nothing is highlighted. The print is very small. I do not intend to wade through all this material.

As the court's standard operating procedures clearly specify: "If you are filing a motion for summary judgment or opposing one, do not submit entire deposition transcripts. Submit only pages and portions of documents that are relevant with the relevant material highlighted. As one circuit has said: "Judges are not like pigs, hunting for truffles buried in briefs." United States v. Dunkel, 927 F.2d 955, 956 (7th Cir. 1991) (quoted with approval in United States v. Gurley, 434 F.3d 1064 (8th Cir. 2006)."

Counsel for defendant paid no attention to this directive.

The motion should be summarily denied for violations of the local rules and the standard operating procedures of this court. Plaintiff need not respond to anything.

Now, therefore,

IT IS ORDERED that the motion for a summary judgment (Doc. 33) is denied.

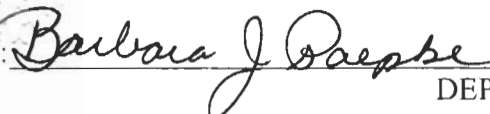
Dated this 22nd day of March, 2007.

BY THE COURT:


CHARLES B. KORNMANN
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 
(SEAL) DEPUTY